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KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

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GOVERNMENT OF KERALA

Local Administration & Social Welfare (G) Department

NOTIFICATIONS

I

G. O. MS. 183/75/LA&SWD. *Dated, Trivandrum, 30th July 1975.*

S. R. O. No. 657/75.—In exercise of the powers conferred by Section 3 of the Travancore Town and Country Planning Act, 1120 (21 of 1120), the Government of Kerala hereby declare the areas comprised within the boundaries specified in the Appendix to this notification and situate in the Periyar and Mlappara Villages in Peermade Taluk in Idikki District, to be a controlled area for the purposes of the said Act.

Appendix

The Periyar Wild Life Sanctuary consists of three areas and their extent and boundaries on all the four sides are as follows:—

I. The Wild Life Sanctuary Proper 232 Sq-Miles

North:—Starting from a point on the K. K. Road at the eastern limit of Survey number 17/2 of Periyar Village near the 68th Mile Stone the boundary runs nearly eastwards along the K. K. Road till it meets the north western

corner of Survey No. 19/3 of Periyar Village, thence along the western boundary of Survey numbers 19/3 and 19/1 of Periyar Village to the Southern most corner of the latter Survey number thence north-east along the eastern limit of Survey number 19/1 to the Waterspread line of the Periyar Lake, thence along the above water spread line to the tunnel at Thekkady, thence along the line of the tunnel till it meets the boundary of Madura District, thence along the boundary of the same District upto Pakkadimettu via Mangaladevi, Medaganam (Locally known as Methaganam) and Surulipara.

East:—From Pokkadimettu the boundary runs along the boundaries of Madurai, Ramanad and Tinnevelly Districts upto Kallimalai via Vellimalai, Kottamalai, Pachaimalai, Tolaimalai-mettu, Tottimalai, Pulamalai and Sivagirimalai.

South:—From Kallimalai the boundary follows the water-shed line between Periyar and Pambayar rivers upto Uppuparai via Chokampattimalai Udamalai, Manikamalai, Sundaramalai, Nagamalai, Pachimalai, Manalkavala and Karuvattupara malai.

West:—From Uppupara the boundary runs nearly N. N. E. along the eastern limit of Survey number 15 of Mlappara Village upto Periyar Dam via Anacheruthamalai, thence first north-west and thence north-east along the surveyed water-shed line of the streams running into Periyar Lake upto the starting point via Katiallamalai.

II. Rattendon Valley (Annexure No. 1) 5 Sq-Miles

Boundaries

North:—Starting from a point on the left bank of Periyar situated to the west of the South-east corner of survey number 236 of Periyar Village the boundary runs eastwards crossing the above river to the South-east corner of the above survey number thence follows the southern and eastern limits of Thangamalai and Pilaced Estates till it meets the Periyar Lake Reserve Boundary.

East:—Thence the boundary follows the western boundary of Periyar Lake reserved forest till it meets the Taluk Boundary to the South of Periyar Dam.

South:—Thence the boundary follows the boundary along the left bank of Periyar River upto a point where the Taluk boundary leaves the River.

West:—Thence the boundary follows the left bank of Periyar River till it reaches the Starting point.

III. Mount Plateau (Annexure II) 63 Sq·Miles

Boundaries

West and North:—Starting from a point on the northern boundary of Peermade Taluk situated at the confluence of Pamba and Azhutha rivers the boundary follows the northern boundary of Peermade Taluk till it meets the Sabarimalai thodu thence eastwards along the left bank of the Stream at the foot of Sabarimalai Plateau till it meets the northern boundary of Peermade Taluk thence the above Taluk boundary till it meet the Western boundary of Periyar Lake Reserved Forest to the South of Periyar Dam.

East:—Thence the boundary follows the Western boundary of Periyar Lake reserved forest upto Uppupara, thence along the southern boundary of the same reserve upto Karuvattuparamalai.

South:—Thence the boundary runs in a straight line joining the Kallar River (Locally known as Kullar) at the proposed dam site, thence along the right banks of Kallar and Pampa rivers upto Starting point.

II

G.O.(MS.) No. 184/75/LA&SWD. *Dated, Trivandrum, 30th July 1975.*

S. R. O. No. 658/75.—In exercise of the powers conferred by Section 13 of the Travancore Town and Country Planning Act, 1120 (21 of 1120), read with rule 3 of the Travancore Town and Country Planning Rules, 1953, the Government of Kerala hereby make the following order:—

1. This Order may be called the "Thekkady Area General (Interim Development) Order 1975".

2. This Order applies to the area notified to be controlled area under Section 3 of the said Act under Notification No. I issued in G. O. MS., ... dated the..

3. The "Thekkady Area Development Authority' hereinafter referred to as the Development Authority, is hereby appointed for the preparation and bringing into force of a scheme for the Development of the Area and for executing the orders under Development order passed by Government from time to time. The Development Authority so constituted shall consist of:—

1.	The District Collector, Idikki	Chairman
2.	Nominee of the Chief Town Planner	Member
3.	Executive Engineer, Kerala State Electricity Board who is in charge of the area	Member
4.	Executive Engineer (Buildings and Roads), Kottayam	Member

5.	Executive Engineer, Public Health Engineering Department, Kottayam	Member
6.	Director of Tourist Department	Member
7.	Representative, Kerala Tourism Development Corporation	Member
8.	Wild Life Preservation Officer, Thekkady	Convener and Special Officer.

The District Collector, Idikki shall be the Chairman of the Development Authority. The Wild Life Preservation Officer, Thekkady shall be the Special Officer for the purpose of this order.

4. Subject to the Orders or directions of the Development Authority constituted under clause 3, the Wild Life Preservation Officer, Thekkady hereinafter called the Special Officer, shall exercise all the powers and duties conferred under Section 13 of the Act and by this order.

5. The Chairman of the Development Authority shall have full access to all the records of the Special Officer and no official correspondence regarding the Development Authority between the Special Officer and the Government shall be conducted except through the Chairman.

6. The Chairman of the Development Authority shall forward to the Government, copies of the Proceedings of every meeting of the Development Authority.

7. Whenever it appears to the Development Authority that any portion of the controlled area is to be measured, plans prepared and marks and stones fixed, they shall cause a notice to that effect to be published by the Special Officer on the Notice Board of the Wild Life Preservation Office, Thekkady and the Village Offices in the controlled area, and at prominent places in the said locality.

Thereupon it shall be lawful for the Special Officer, his assistants and workmen;

(1) to enter upon and survey and take levels of any kind in such locality.

(2) to dig or bore into the subsoil;

(3) to plant stones and make the necessary markings for the layout of roads, Pathways, ditches etc;

(4) where otherwise the survey cannot be completed and the levels taken and the lines marked, to cut down and clear away any part of any standing crop, fence or jungle after an estimate of damage caused has been prepared in the presence of the local people provided that no person shall enter upon any building or upon any enclosed court or garden attached to

dwelling house, unless with the consent of the occupier thereof or without previously giving such occupier at least seven days notice in writing of his intention to do so.

8. Notice required to be given under clause 7 shall be served or sent in the following manner:

(i) by giving or tendering the notice to the occupier of the dwelling house;

(ii) if the occupier is not found, by affixing the same in some conspicuous part of such dwelling house; and

(iii) by sending the same to the occupier by registered post.

9. The Special Officer may permit the interim Development of land including building operations and any use of the land or any building thereupon for a purpose which is different from the purpose for which the land or buildng was or were last being used within the area abovementioned pending the preparation of a town and country planning scheme subject to the conditions contained in the order.

10. No person shall within the abovesaid area erect or re-erect any building or proceed with any building or work or remove, pull down or alter or use for a purpose which is different from that for which it was being used, any building or part of a building or remove any earth, stone or material unless such person has applied for and obtained the necessary permission from the Special Officer.

11. On receipt of such application the Special Officer shall furnish the applicant with a written acknowledgement, of its receipt and after enquiry may either grant or refuse such permission or grant it subject to such conditions as are in accordance with the terms of this order. But if no decision is communicated to the applicant within two months or such longer period as the applicant may agree to in writing from the date of such acknowledgement the applicant shall be deemed to have been granted such permission.

12. If in the opinion of the Special Officer any person contravenes the provisions contained in clauses 10 and 11, he may after making such enquiry as he deems necessary by notice in writing, direct such persons to stop any work in progress.

13. Any person who desires to apply for permission under clause 10 of this order shall apply to the Special Officer for permission in writing and shall furnish him together with the application, a plan in duplicate of the proposed building or other work and of the site and such other particulars as the Special Officer may require.

14. The Special Officer shall inform the applicant in writing that his application is granted, or refused, as the case may be and if the application is granted shall state in writing the terms and conditions which he may impose. If the application is refused he shall state the reasons therefor.

15. The development of lands and building operations under this order shall comply with all such terms and conditions not inconsistent with this order as the Special Officer may reasonably impose.

16. Any applicant aggrieved by an order of the Special Officer may, within two weeks from the date on which the order is communicated to him appeal to Government. The Government may either suo motu or on receipt of such appeal call for the records of the case from the Special Officer and pass such orders as the Government deem fit. The orders issued by the Government shall be final.

17. The Special Officer shall refuse an application under this order for interim Development on any of the following grounds:

(i) that development would tend to the use of the land or the building for a purpose which is of a noxious or otherwise offensive character;

(ii) that the land for which application for development is made ought to be reserved for a Public open space under a scheme that may be promulgated;

(iii) that the land may have to be reserved for a public purpose or for the execution of works, under the proposed scheme;

(iv) that it is proposed to include the site of the new building or a part thereof in an area to be reserved by the scheme for a purpose, the carrying out of which would in the future necessitate the removal or alteration of the new building;

(v) that the building or any part thereof is intended to be used as a factory, a godown or a Cinema hall or any other institution and that such use would injuriously affect the health, convenience or amenities of the inhabitants of the locality or of the Government Institutions or such use is likely to spread infectious diseases or epidemics.

18. In considering the applications under this order, the Special Officer shall consult the Development Authority before the application is granted or refused.

19. The Government may at any time call for the records of any of the order of the Special Officer issued under this order and pass such orders as they may deem fit. The orders by Government shall be final.

20. The Government may in appropriate cases and after such enquiry as they deem fit to make, allow compensation to those who in their opinion, have suffered unnecessary loss or expenses in the enforcement of any of the restrictions imposed by this order.

21. This order shall cease to be in force in the event of the failure to publish a scheme before 31-12-1976.

DETAILS OF PRIVATE ESTATES IN THE SANCTUARY AREA

Sl No.	Name of the Private Estate in the Sanctuary Area	Extent of each Estate	Names of the owners of the Estates and when they took possession of the lands	The approximate amount required for acquiring the estate in each case	Source for meeting the expenditure	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	()
1.	The Travancore Tea Estate Co., Vandiperiyar	19.20 acres	M/s. T. T. E. Co., Ltd.	..	..	Acquisition proceedings are being taken by the District Collector, Kottayam
2.	Two acres of land at mount	2.00 ,,	Sri V. S. Venu, S/o Sri K. R. Sankaran, Vandiperiyar	..	..	do.
3.	8.78 acres of encroached land near Sabarimala Estate	8.78 ,,	Sri David Idiculla, Illiparambil House, Sabarimala Cardamom Estate	..	..	A case is pendingr at District Court Kottayam.
4.	Lakshmipara Estate, Sy. No. 2/1-I	71.01 ,,	C.A. Mohammed Ghani	..	..	..

(1)	(2)	(3)	(4)	(5)	(6)	(7)
5.	Nesiathottam Estate Sy. No. 12/1,2	10.38 acres	Varkey S/o Paily, Chemplavil, 18-12-1960	..	..	..
6.	Mlappara Estate, Sy. No. 11/1, 11/2	42.59 ,,	K. M. Perumal Raja, from 1908	..	..	..

By order of the Governor,

N. GOPALAKRISHNAN NAIR,
Special Secretary.

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Government of Kerala
1975

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GOVERNMENT OF KERALA

Law (H) Department

NOTIFICATION

No. 11004-H4/75/Law. *Dated, Trivandrum, 1st August 1975/ 10th Sravana 1897.*

The following Act of the Kerala State Legislature is hereby published for general information. The Bill as passed by the Legislative Assembly received the assent of the Governor on the 1st day of August, 1975.

By order of the Governor,

M. Sekharan,

Law Secretary.

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1975.

ACT 24 OF 1975

THE ABKARI (SECOND AMENDMENT) ACT, 1975

An Act further to amend the Abkari Act, 1 of 1077.

Preamble.—WHEREAS it is expedient further to amend the Abkari Act, 1 of 1077, for the purposes hereinafter appearing;

BE it enacted in the Twenty-sixth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Abkari (Second Amendment) Act, 1975.

(2) It shall come into force at once.

2. *Substitution of new section for section 34.*—For section 34 of the Abkari Act, 1 of 1077 (hereinafter referred to as the principal Act), the following section shall be substituted, namely:—

"34. *Offenders may be arrested and contraband liquor, vehicles, etc., seized without warrant.*—(1) Any officer of the Excise Department or the Police Department may arrest without warrant in any public thoroughfare or open place other than a dwelling house, any person found committing an offence punishable under section 15C or section 55 or section 57 or section 58, and in any such thoroughfare or public place may—

(a) seize and detain—

(i) any liquor or intoxicating drug;

(ii) any material, still, utensil, implement or apparatus;

(iii) any receptacle, package or covering; and

(iv) any animal, cart, vessel or other conveyance,

which he has reason to believe to be liable to confiscation under this Act;

(b) search any person, animal, cart, vessel or other conveyance, package, receptacle or covering upon whom or in or upon which he may have reasonable cause to suspect any such liquor or intoxicating drug to be, or to be concealed.

(2) If the officer making an arrest under sub-section (1) is not empowered under section 5A to admit to bail, the person arrested shall forthwith be produced before an officer so empowered.

(3) It shall be the duty of the officer empowered under section 5A to admit such person to bail if sufficient bail is tendered for his appearance before an Abkari Officer having jurisdiction to inquire into the case.".

3. *Amendment of section 67.*—In section 67 of the principal Act,—

(a) in the first paragraph,—

(i) for the words "two thousand rupees", the words "five thousand rupees" shall be substituted;

(ii) the portion beginning with the words "and, in all cases whatsoever" and ending with the words "on payment of the value thereof as estimated by such officer" shall be omitted;

(b) for the second paragraph, the following paragraph shall be substituted, namely:—

"On the payment of such sum of money to such officer, the accused person if in custody shall be discharged and no further proceedings shall be taken against such person.".

4. *Insertion of new sections 67B to 67H.*—After section 67A of the principal Act, the following sections shall be inserted, namely:—

"67B. *Confiscation by Abkari Officers in certain cases.*—(1) Notwithstanding anything contained in this Act or in any other law for the time being in force, where any liquor, intoxicating drug, material, still, utensil, implement or apparatus or any receptacle, package or covering in which such liquor, intoxicating drug, material, still, utensil, implement or apparatus is found or any animal, cart, vessel or other conveyance used in carrying the same is seized and detained under the provisions of this Act, the officer seizing and detaining such property shall, without any unreasonable delay, produce the same before an officer authorised by the Government in this behalf by notification in the Gazette, not being below the rank of an Assistant Excise Commissioner (hereinafter referred to as the authorised officer).

(2) Where an authorised officer seizes and detains any property specified in sub-section (1) or where any such property is produced before an authorised officer under that sub-section and he is satisfied that an offence under this Act has been committed in respect of or by means of that property and that such property is liable to confiscation under this Act, such authorised officer may, whether or not a prosecution is instituted for the commission of such offence, order confiscation of such property and where such property consists of any receptacle or package, the authorised officer may also order confiscation of all contents thereof.

(3) When making an order of confiscation under sub-section (2), the authorised officer may also order that such of the properties to which the order of confiscation relates, which in his opinion cannot be preserved or are not fit for human consumption, be destroyed.

67C. *Issue of show cause notice before confiscation under section 67B.*—(1) No order confiscating any property shall be made under section 67B unless the person from whom the same is seized—

(a) is given a notice in writing informing him of the grounds on which it is proposed to confiscate such property;

(b) is given an opportunity of making a representation in writing within such reasonable time as may be specified in the notice against the grounds of confiscation; and

(c) is given a reasonable opportunity of being heard in the matter.

(2) Without prejudice to the provisions of sub-section (1), no order confiscating any animal, cart, vessel or other conveyance shall be made under section 67B if the owner of the animal, cart, vessel or other conveyance proves to the satisfaction of the authorised officer that it was used in carrying the liquor or intoxicating drug or the material, still, utensil, implement or apparatus or the receptacle, package or covering without the knowledge or connivance of the owner himself, his agent, if any, and the person in charge of the animal, cart, vessel or other conveyance and that each of them had taken all reasonable and necessary precautions against such use.

67D. *Property not liable to confiscation to be returned to owner.*—Where the authorised officer passes an order under section 67B that any property seized and detained by him or produced before him under that section is not liable to confiscation under this Act, he shall, after the expiry of thirty days from the date of such order, release such property to the person from whom it was seized:

Provided that where the Commissioner has called for under section 67F the record of an order of the authorised officer such property shall be released only subject to the orders of the Commissioner under that section.

67E. *Appeal.*—(1) Any person aggrieved by any order passed under section 67B may, within thirty days from the date of communication to him of such order, appeal to an officer not below the rank of Deputy Commissioner of Excise authorised by the Government in this behalf by notification in the Gazette (hereinafter referred to as the appellate authority).

(2) On receipt of an appeal under sub-section (1), the appellate authority shall, after giving an opportunity to the appellant to be heard, if he so desires, and after making such further inquiry as may be necessary, pass such order as he thinks fit, confirming, modifying or annulling the order appealed against.

(3) An order of the appellate authority under sub-section (2) shall, subject to the provisions of section 67F, be final and shall not be called in question in any court.

67F. *Revision.*—(1) The Commissioner may, before the expiry of thirty days from the date of an order passed under section 67B or section 67E, of his own motion, call for and examine the record of that order and may make such inquiry or cause such inquiry to be made and may pass such orders as he deems fit:

Provided that the Commissioner shall not call for and examine the record of any order passed under section 67B if an appeal against such order is pending before the appellate authority:

Provided further that no order prejudicial to a person shall be passed under this section without giving him an opportunity of being heard.

(2) An order of the Commissioner under sub-section (1) shall be final and shall not be called in question in any court.

67G. *Award of confiscation not to interfere with other punishments.*—The award of any confiscation under section 67B or section 67E or section 67F shall not prevent the infliction of any punishment to which any person is liable under this Act.

67H. *Property confiscated when to vest in Government.*- When an order for confiscation of any property has been passed under section 67B or section 67E or section 67F and such order has become final in respect of the whole or any portion of such property, such property or portion thereof, as the case may be, shall vest in the Government free from all encumbrances.".

5. *Validation.*—Notwithstanding anything contained in any law for the time being in force, or in any judgment, decree or order of any court, all animals, carts, vessels and other conveyances used in carrying any receptacle, package or covering containing any liquor, intoxicating drug, material, still, utensil, implement or apparatus in respect of, or by means of which, an offence under the principal Act is believed to have been committed, and seized and detained before the commencement of this Act may be disposed of under the provisions of the principal Act as amended by this Act, as if this Act were in force at the time of such seizure and detention.
